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January 30, 2006

Mr. Charles L. A. Terreni  
Chief Clerk/Administrator  
South Carolina Public Service Commission  
Synergy Business Park, The Saluda Building  
101 Executive Center Drive  
Columbia, South Carolina 29210

**Re: Complaint of Time Warner Cable Information Services (South Carolina),  
LLC v. Farmers Telephone Cooperative, Inc.  
Docket No. 2005-403-C**

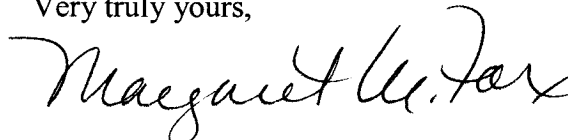
Dear Mr. Terreni:

Enclosed for filing on behalf of Farmers Telephone Cooperative, Inc., please find an original and (10) copies of an Answer in the above-referenced matter. By copy of this letter and Certificate of Service, all parties of record are being served by U. S. Mail with a copy of this Answer.

Please clock in a copy of this filing and return it to us by our courier.

Thank you for your assistance.

Very truly yours,



Margaret M. Fox

MMF/rwm  
Enclosures

cc: Parties of Record

STATE OF SOUTH CAROLINA  
BEFORE THE PUBLIC SERVICE COMMISSION  
DOCKET NO. 2005-403-C

RECEIVED  
2005 JAN 30 11:11:53  
SOUTH CAROLINA  
COMMISSION

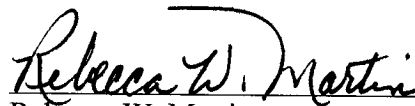
Time Warner Cable Information Services )  
(South Carolina), )  
 )  
Complainant/Petitioner )  
 )  
vs. )  
 )  
Farmers Telephone Cooperative, Inc., )  
 )  
Defendant/Respondent )  
 )  
\_\_\_\_\_ )

**CERTIFICATE OF SERVICE**

I, Rebecca W. Martin, Secretary for McNair Law Firm, P. A., do hereby certify that I have this date served one (1) copy of an Answer on behalf of Farmers Telephone Cooperative, Inc. in the above-referenced matter on the following parties of record by causing said copies to be deposited with the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below.

Frank R. Ellerbe, III, Esquire  
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January 30, 2005

Columbia, South Carolina

STATE OF SOUTH CAROLINA  
BEFORE THE PUBLIC SERVICE COMMISSION

DOCKET NO. 2005-403-C

Time Warner Cable Information Services )  
(South Carolina), )  
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Farmers Telephone Cooperative, Inc., )  
 )  
Defendant/Respondent )  
 )  
\_\_\_\_\_ )

**ANSWER**

SC PUBLIC SERVICE COMMISSION  
2005 JUN 23 11:11:53  
RECORDED

Farmers Telephone Cooperative, Inc. ("Farmers") respectfully submits this Answer to the Complaint of Time Warner Cable Information Services (South Carolina) ("TWCIS"). Farmers answers the Complaint, and replies to the allegations set forth by TWCIS in its Complaint as follows:

1. Farmers denies each and every allegation of the Complaint not herein specifically admitted and demands strict proof thereof.

**FOR A FIRST DEFENSE**

2. With respect to the allegation contained in Paragraph 1, Farmers admits that TWCIS currently holds a certificate to provide certain services in specified areas within the State of South Carolina, and avers that Commission Order No. 2004-213, including the findings and conclusions contained therein, speaks for itself.

3. Responding to Paragraph 2, Farmers lacks information or belief sufficient to admit or deny TWCIS' legal name and principal place of business and, therefore, denies same.

4. Upon information and belief, Farmers admits the allegations contained in Paragraph 3.

5. Farmers admits the allegations contained in Paragraph 4.

6. Responding to Paragraph 5, Farmers admits that TWCIS currently holds a certificate to provide certain services in specified areas within the State of South Carolina, but notes that the certification is for authority to provide telecommunications services. Farmers lacks information or belief sufficient to admit or deny the nature of the services actually being provided by TWCIS in South Carolina. Farmers further notes that although the Commission in Order No. 2005-412 referenced the ability of TWCIS to enter into negotiations as a telecommunications carrier, the Commission nevertheless clarified its position in its subsequent Order Denying Rehearing or Reconsideration (Order No. 2005-484) by stating that TWCIS may be entitled to seek interconnection if the Internet Protocol service TWCIS desires to provide is a “telecommunication service” under the Telecommunications Act of 1996 (“the Act”), 47 U.S.C. § 153, and if TWCIS satisfies the definition of a “telecommunications carrier.” Further responding to Paragraph 5, Farmers lacks information and belief sufficient to admit or deny allegations regarding the “desires” and “needs” of TWCIS. Farmers denies the remaining allegations.

7. Responding to Paragraph 6, Farmers avers that the language of Section 251(c)(1) of the Act speaks for itself. Further, Farmers denies that it has any obligation under Section 251(c). See Section 251(f)(1)(A) of the Act.

8. Farmers admits so much of the first sentence of Paragraph 7 as alleges that TWCIS submitted an interconnection request, but denies that such request was “bona fide.” Farmers lacks information or belief sufficient to admit or deny the dates on which

correspondence was sent or received by TWCIS and, therefore, denies same. Farmers denies that it “refused” to negotiate with TWCIS, as Farmers informed TWCIS that it was “willing to continue discussions to negotiate an agreement for the exchange of traffic with TWCIS.”

9. Farmers denies the allegations contained in the first sentence of Paragraph 8. As the referenced letter shows, while Farmers stated its belief that TWCIS’ request does not fall within Section 251 of the Act, Farmers nonetheless indicated its willingness to enter into negotiations for an agreement to interconnect for the purpose of exchanging telecommunications traffic. Farmers denies the remaining allegations contained in Paragraph 8, and demands strict proof thereof.

#### **FOR A SECOND DEFENSE**

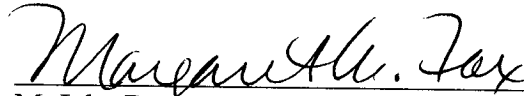
10. The responses set forth in Paragraphs 1-9 above are reasserted as if set forth fully herein and are incorporated hereby by reference.

11. TWCIS has failed to state a cause of action against Farmers upon which relief may be granted and TWCIS’ Complaint should, therefore, be dismissed.

12. Moreover, Section 251 of the Act does not apply because TWCIS is not acting as a “telecommunications carrier,” as contemplated by the Act, for the service it proposes to provide in areas served by Farmers, and, therefore, is not entitled to interconnection with Farmers under Section 251 of the Act.

WHEREFORE, having fully answered the Complaint, Farmers Telephone Cooperative, Inc. respectfully requests that the Commission deny the relief sought by TWCIS in its Complaint for the reasons stated herein and accordingly dismiss the Complaint, and order such other and further relief as is just and proper.

Respectfully submitted,

A handwritten signature in cursive script, reading "Margaret M. Fox". The signature is written in dark ink and is positioned above a horizontal line.

M. John Bowen, Jr.

Margaret M. Fox

Sue-Ann Gerald Shannon

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Attorneys for Farmers Telephone Cooperative, Inc.

January 30, 2006

Columbia, South Carolina.